IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9336 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE N.G.NANDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

G.S.R.T.C.

Versus

I.N. MANSURI

Appearance:

1. Special Civil Application No. 9336 of 2002

MS ROOPAL R PATEL for Petitioner No. 1

RULE SERVED for Respondent No. 1

CORAM : MR.JUSTICE N.G.NANDI

Date of decision: 26/12/2002

ORAL JUDGEMENT

1. Heard Ms. Roopal Patel,learned advocate for the petitioner. Rule served.

2. It is stated by Ms. Roopal Patel that subsequent to the order dated 20-9-2002 issuing rule, ad-interim relief in terms of para-7 (D) of the petition was granted and thereby reinstatement in service of the petitioner

came to be stayed. It is stated by her that, subsequent to that the respondent workman gave an application dated 9-12-2002 to the petitioner Corporation stating that, he may be reinstated in service and in that event he would forego the backwages. It is also stated that the respondent workman would be agreeable if penalty of stoppage of three increments with future effect is imposed instead of dismissal from service. Said application dated 9-12-2002 purported to have been given by respondent workman is placed on record. It is stated by Ms. Roopal Patel that the petitioner Corporation acceded to the request dated 9-12-2002 as above made by the respondent and the respondent has been reinstated in service, where as the question of imposing penalty of stoppage of three increments with future effect will be considered after this petition is disposed of. Ms. Roopal Patel has placed on record copy of the communication dated -12-2002 received by her from the petitioner Corporation. Same is kept on record.

2. Thus, it appears that, as far as the present petition in regard to the impugned award being reinstatement of petitioner in service without backwages is concerned, same stands settled, as the respondent workman has been reinstated in service. In view of the above the petition does not survive and the same is required to be dismissed as not surviving in view of the above facts.

3. Petition is dismissed as not surviving. Rule discharged. No costs.

Dt:26-12-2002 (N.G. Nandi, J)

/vgn